

REMARKS

The Office Action of May 19, 2010, has been carefully reviewed, and in view of the above amendments and the following remarks, reconsideration and allowance of the pending claims are respectfully requested.

Section 112 Rejections

In the above Office Action, claims 42, 43, 67, 73, 74, 76, 77, 89, 94, 101 and 103 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite due to the recitation of "and/or" therein. Applicants respectfully traverse this rejection.

Applicants respectfully contend that the use of "and/or" does not render the claim indefinite. As set forth in MPEP 2173.05(h), "alternative expressions using "or" are acceptable...". The following phrases were each held to be acceptable and not in violation of 35 U.S.C. 112, second paragraph, in *In re Gaubert*, 524 F.2d 1222, 187 USPQ 664 (CCPA 1975): "made entirely or in part of"; "at least one piece"; and "iron, steel or any other magnetic material." As used in claims 42 and 43, for example, "wherein a footrest and/or a seat plate may be supported", it is clear to one skilled in the art what is being claimed. That is, either there is 1) a footrest, 2) a seat plate, or 3) a footrest and a seat plate. Applicants respectfully submit that there is no uncertainty or indefiniteness as to what is being claimed and that the rejection under Section 112 should be withdrawn.

Prior Art Rejections

Claims 1-2, 5-8, 10-14, 17-19, 21, 33-37, 41-43, 61-66, 75-76 and 78 stand rejected under 35 USC 103 as being unpatentable over Damadian '490 in view of

Eckels et al.. Claims 1-2, 5-8, 10-22, 24-30, 32-54, 61-82, 89-118 and 139-151 stand rejected under 35 USC 103 as being unpatentable over Damadian '490, '165, and 574, Eckels and Carter.

Applicants respectfully traverse these rejections.

With reference to Figure 3 from the present application, the table supporting frame 4 is supported, in a slidable manner parallel to the longitudinal axis of the table 3, by the magnetic structure and particularly by the yoke 102. The table can rotate around its central longitudinal axis as indicated by arrow R2. The magnetic structure 2 (including at least the

yoke 102 and also possibly the poles 302) rotate around an axis which is perpendicular to the longitudinal axis of the table. Thus, the table 3 and the magnetic structure 2 can both rotate **together** around an horizontal axis

perpendicular to the poles 302 and to the longitudinal axis of the table. See, Figures 3-5.

In order to clarify this construction, claim 1 has been amended as set forth above to recite that "the entire magnetic structure is supported rotatably **together with** the table supporting frame around the same axis, wherein the axis of rotation of the table supporting frame and of at least the poles of the magnetic structure

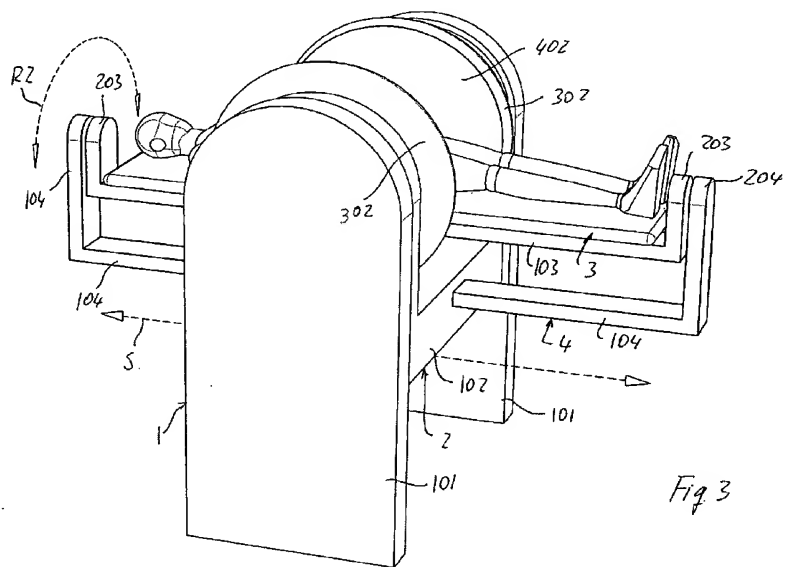
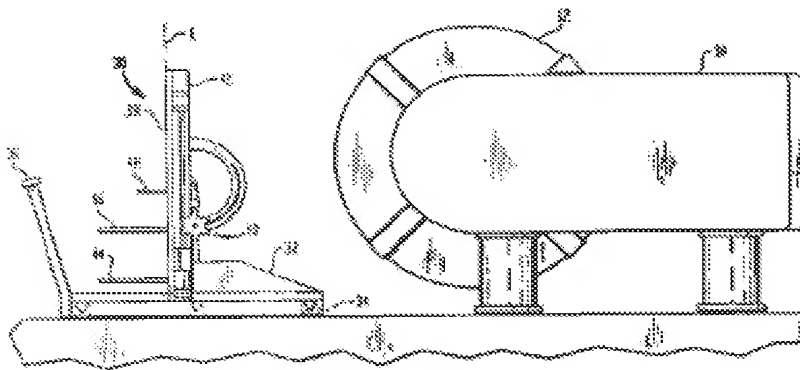


Fig 3

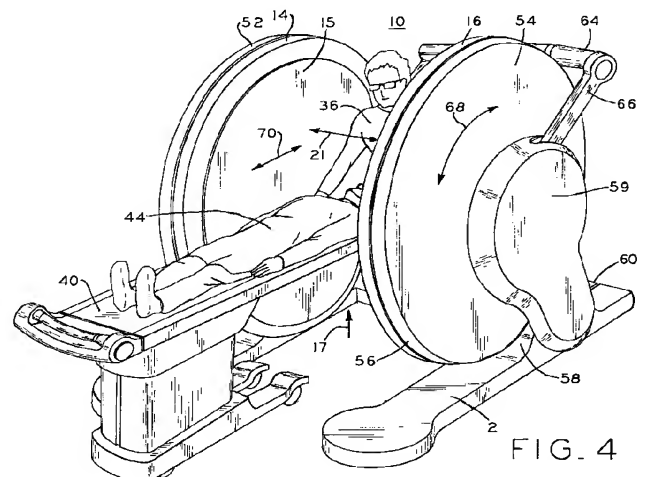
substantially coincides with a central axis of the poles." Applicants respectfully submit that this configuration is not disclosed or suggested by the prior art. That is, none of the prior art documents cited by the examiner disclose or suggest a patient table which is supported by the magnetic structure and which may carry out sliding motions or a rotation around its longitudinal axis relatively to the said magnetic structure by remaining joined thereto and rotate around the transversal axis together with the magnetic structure (poles and/or yoke).

The primary reference relied upon by the Examiner, Damadian '490 clearly discloses a patient supporting table which is supported by a carriage which is completely separated from the magnetic structure, as shown in Figure 3. Hence, the



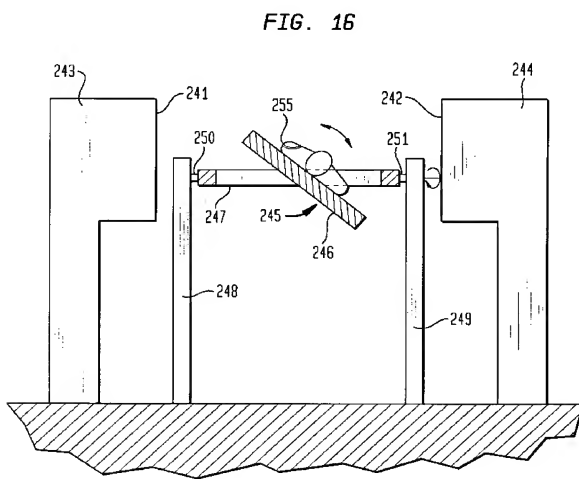
magnetic structure is not supported rotatably **together with** the table supporting frame around the same axis, as recited in claim 1.

Similarly, in the secondary reference to Eckels, the patient table and the magnet are independent devices which have no mechanical connection, as shown in Figure 4. Hence, once again, the magnetic structure is not supported rotatably **together with** the table supporting frame around the same axis, as recited in claim 1.



Independent claims 33, 61, 75 and 78 have been similarly amended to recite that the axis of rotation of the table supporting frame and of at least the poles of the magnetic structure substantially coincides with a central axis of the poles. Accordingly, independent claims 33, 61, 75 and 78 are patentable over the cited references for at least the same reasons as set forth above relative to claim 1.

Damadian '165 and '574 illustrate very large devices which must define a gap allowing a carriage to pass inside. These Damadian patents, and particularly the



'165 patent, teach very large magnetic structures which rotate separately from the patient table. As shown in Fig. 16 from the Damadian '165 patent, the supporting structure is separate and apart from the magnet, and the magnet is stationary while the patient table rotates within its supporting structure.

None of the cited documents, taken alone or in combination, combines the rotation of the table around the longitudinal axis with the rotation of the magnetic structure around the transverse axis of the bed, and none of the cited references links this rotation together with the rotation of the patient table, contrary to the following claimed features:

"rotating at least the poles and the table or the supporting frame **together with** the table..." as recited in independent claim 67;

"rotating at least the poles and the table or the supporting frame **together with** the table ..." as recited in independent claim 73;

"rotating at least the poles and the table or the supporting frame **together with** the table ..." as recited in independent claim 74;

"rotating at least the poles and the table supporting frame **together with** the table ..." as recited in independent claim 89;

"rotating at least the poles and the table or the supporting frame **together with** the table ..." as recited in independent claim 94;

"rotating at least the poles and the table or the supporting frame **together with** the table ..." as recited in independent claim 101;

"rotating at least the poles and the table or the supporting frame **together with** the table ..." as recited in independent claim 103;

"rotating at least the poles and the supporting frame **together with** the table " as recited in independent claim 105;

"a) rotating at least the poles and the table or the table supporting frame **together with** the table..." as recited in independent claim 109; and

"wherein the entire magnetic structure is supported rotatably **together with** the supporting or retaining means ..." as recited in amended independent claim 139.

Applicants submit that the prior art fails to suggest that the magnetic structure or at least the poles can both together with the table or table supporting frame. As such, independent claims 67, 73, 74, 89, 94, 101, 103, 105, 109 and 139 are not anticipated or rendered obvious by the cited prior art..

The dependent claims define additional distinguishing aspects associated with the claimed invention. Since these dependent claims depend from allowable

independent claims, a detailed discussion of the additional distinguishing features recited in these dependent claims is not set forth at this time.

CONCLUSION

In view of the above amendments and remarks, Applicants respectfully submit that the claims of the present application are now in condition for allowance, and an early indication of the same is earnestly solicited.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference would be helpful in resolving any remaining issues pertaining to this application; the Examiner is kindly invited to call the undersigned counsel for Applicant regarding the same.

Respectfully submitted,

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